



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

September 29, 2005

1. Bill Number and Sponsor:

House Bill 5149 (H-4)  
Representative Daniel Acciavatti et al.

2. Purpose:

The bill amends Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), to allow a Research, Development, and Demonstration Project (RDDP) permitted under Part 115, Solid Waste Management, of Act 451, to be a receiving facility for septage waste.

3. How This Legislation Impacts Current Programs in the Department:

Septage waste servicers would be required to dispose of septage waste at an RDDP instead of land applying it within the service area designated for the RDDP.

4. Introduced at Agency Request:

No.

5. Agency Support:

Yes.

6. Justification for the Department's Position:

Bioreactors and similar disposal methods that stem from RDDPs may be a viable alternative that would eliminate the nuisance and potential environmental damage from land application of septage waste in certain parts of the state.

Septage waste disposal is a growing concern in many parts of the state. Currently septage waste must either be land applied at agronomic rates or disposed of at a wastewater treatment plant. The lack of available wastewater treatment facilities in some areas, coupled with the decreasing area of land that can be used for application of the septage waste, is creating a demand for septage waste disposal alternatives.

7. State Revenue/Budgetary Implications:

None.

8. Implications to Local Units of Government:

None.

9. Administrative Rules Implications:

None.

10. Other Pertinent Information:

The bill is tie-barred to House Bill 5148 and Senate Bill 747.

At this time the Department of Environmental Quality (DEQ) is aware of one RDDP: a proposed bioreactor evaluation project at Smith's Creek Landfill in St. Clair County. Septage waste from the region would be added to enhance the biostabilization of the solid waste. The DEQ and officials from St. Clair County have been meeting over the past several months to review engineering plans for the project.

The substitute bill omits proposed amendments to Section 11518 that were included in the introduced bill. The amendment to Section 11518 would require restrictive covenants for disposal areas to cover the area designated in the construction permit as constituting the facility and to specify how that land must be identified in the restrictive covenant. Restrictions would be placed not only on the permitted solid waste disposal areas but also on adjacent lands that are integral to the operation and long-term monitoring and maintenance of the disposal areas. It is important that restrictions on digging, drilling, and otherwise disturbing the land are placed not only on the actual area used for solid waste disposal but also on adjacent lands that contain leachate piping, gas collection systems, groundwater monitoring wells, and other structures and systems that are essential to the long-term integrity of the closed landfill. The DEQ supports returning this amendment that was omitted from the substitute bill as follows:

Sec. 11518. (1) ~~At the time~~ **WHEN** a disposal area that is a sanitary landfill is licensed, an instrument that imposes a restrictive covenant upon the land ~~involved~~ **DESCRIBED IN THE CONSTRUCTION PERMIT AS CONSTITUTING THE FACILITY** shall be executed by all of the owners of the tract of ~~THAT land upon which the landfill is to be located~~ and the department. If the land involved is state owned **BY THE STATE**, the state administrative board shall execute the covenant of behalf of the **THIS** state. **THE COVENANT SHALL**

**INCLUDE A LEGAL DESCRIPTION OF THE FACILITY BOUNDARY AND A MAP DEPICTING BOTH THE FACILITY BOUNDARY, WITH METES AND BOUNDS FOR EACH SECTION OF TRAVERSE LABELED, AND THE SOLID WASTE BOUNDARY.** The instrument imposing the restrictive covenant shall be filed for record by the department or a health officer in the office of the register of deeds of the county, or counties, in which the facility is located. The covenant shall state that the land described in the covenant has been or will be used as a landfill and that neither the property owners, their servants, agents, or employees, nor any of their heirs, successors, lessees, or assigns shall engage in filling, grading, excavating, drilling, or mining on the property ~~during the first 50 years~~ following completion of the landfill without authorization of the department. In giving authorization, the department shall consider the original design, **THE** type of operation, **THE** material deposited, and the stage of decomposition of the fill. Special exemption from this section may be granted by the department if the lands involved are federal lands or if contracts existing between the landowner and licensee on January 11, 1979 are not renegotiable.

(2) This part does not prohibit the department from conveying, leasing, or permitting the use of state land for a solid waste disposal area or a resource recovery facility as provided by applicable state law.



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